

Wednesday, July 10, 2002

**Mr. James C. Coffey, Chief
Solid Waste Section
Division of Waste Management
North Carolina Department of Environment and Natural Resources
1646 Mail Service Center
Raleigh, North Carolina 27699-1646**

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Re: Accuracy of Drawings and Grading Plans Submitted by ReUse Technology, Inc. for Swift Creek Coal Combustion By-product (CCB) Structural Fill, Highway 301, Nash County

Dear **Mr. Coffey**,

ReUse Technology, Inc. ("ReUse") has asked us to respond to two statements that you have made in the June 20, 2002 letter you wrote to ReUse. The statements are based on a drawing we prepared on May 19, 2002 and are as follows:

- "In fact, if the most recent May 22, 2002 submittal is accurate, the pipe is not located in the drainage area, as indicated on the original submittal dated December 10, 2001 and has been installed north of the drainage area. This "new" information raises further concerns regarding the credibility of the information submitted and further complicates the situation by creating another area of concern - the area where the pipe was actually installed."
- "... Based on May 19, 2002 drawing, it will not be necessary to delineate **two** areas with this methodology: the original drainage area and the area in which the pipe was placed."
(Emphasis in original)

Appian Consulting Engineers, PA ("Appian") has been employed by ReUse at the Swift Creek site located along U.S. Highway 301 in Nash County since 1991. During our employment, we have previously prepared and submitted three drawings to DENR in connection with this project, dated, respectively, in November 1991, December 2001 and May 2002.

First, Appian was consulted to perform the initial erosion and sedimentation control plan that was submitted to DENR in 1991. The erosion and sedimentation control plan shows the entire property acquired by ReUse in 1991, the contours of a ditch and symbols indicating that the ditch was considered to be wetlands. The beginning of the ditch, located near the center of the property, was located at the end of a reinforced concrete pipe and extended to a swamp area to the east, which is the back (rear) of the property away from U.S. Highway 301. The grading of the site, which included the placement of CCB as structural fill, consisted of keeping the ditch intact and undisturbed (as much as possible)

Second, Appian was consulted for a solid waste plan for an additional parcel of land purchased by ReUse. The second parcel was immediately adjacent to and south of the original property shown in the 1991 plans. ReUse requested a drawing showing the proposed placement of CCB for the second parcel and a final grading/erosion and sedimentation control plan for the entire site (existing location plus the new addition) in 2000/2001.

A technical difficulty had to be overcome to prepare this second plan, which was submitted in December 2001. Due to the flood caused by Hurricane Floyd in 1998, all computer files locating the base map of the original site was lost along with most of the paper files. Some were recovered and the base map of the original site was scanned from the previous plans with the understanding that the accuracy of the plans need not be 100% due to the original site being grandfathered from the new solid waste regulations. An additional survey of the area would not be accurate as CCBs were already placed on location making the determination of the existing ground impossible without removing the existing CCBs.

Appian conducted a site visit prior to commencing work and learned that ReUse's site contractor had extended the reinforced concrete pipe from the start of the ditch (as shown on the 1991 plans) to the back of the property and into the wetlands (as shown on current plans) and that the ditch shown on the 1991 plans had been covered.

The area to be added to the solid waste permit was surveyed and the two plans were mated, matching the property line surveyed for the new site. In the process of mating the two areas, some movement of the original site (scanned version) became necessary, thus leading to some inaccuracies along the original site area. The contours on the original site were based on the 1991 map and left the same for the current projects, thus the outline of the ditch by the contours on the plans, when in actuality, the ditch is no longer in existence. The existing reinforced concrete pipe was extended to the back of the property to give a more accurate depiction of existing conditions.

Third, Appian was retained to determine the feasibility of diverting the off-site drainage now flowing through the pipe away from the areas that have been filled with CCBs. The existing information was found to be insufficient to make any determination. Surveys along U.S. Highway 301, at the existing drainage basins, and inverts at existing pipes were obtained. Based on the survey, Appian concluded that diverting of the storm water was feasible. We produced a modified grading plan for drainage diversion and for the abandonment of the existing reinforced concrete pipe within the ReUse property. This grading plan, which Appian prepared, was submitted by ReUse on May 22, 2002.


The above plan accurately depicts the location of the reinforced concrete pipe and other drainage structures, but due to the scanning process referred to above, it does not accurately show the location of the ditch in relation to the surveyed areas. The second survey that was performed in 2002 was based on the survey completed in 2001 (survey for the additional land located to the south) and when combined, did not match the shown location of the reinforced concrete pipe on the previously submitted plans. The location of the reinforced concrete pipe was moved to match the surveyed information, thus the positioning of the reinforced concrete pipe outside of the ditch on the current grading plan (dated May 19, 2002).

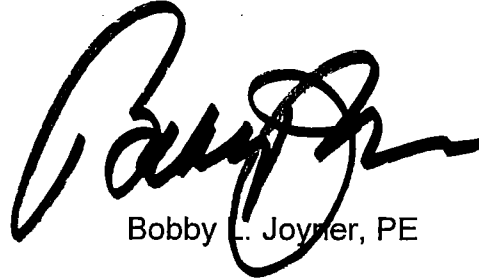
Appian believes that the existing reinforced concrete pipe was not initially removed and placed in an area outside of the ditch location. The movement of the pipe would necessitate the

movement of the existing drop inlet catch basin and the existing drainage pipe under U.S. Highway 301, which would require an encroachment permit and plan submission to NC DOT, as well as incurring considerable expense to ReUse Technology, Inc.

In accordance with the above explanation, we have attached a revised construction drawing relocating the ditch to be under the existing reinforced concrete pipe based on the above assumption and to clear the confusion that derived from the existing plan. If you have any questions or comments, please do not hesitate to contact Bobby Joyner or me at (252) 972-7703.

Sincerely,
Appian Consulting Engineers, PA


Peter Sokalski, EI


Bobby L. Joyner, PE

CC: Mr. Bobby L. Joyner, Appian
Mr. Robert J. Waldrop, ReUse Technologies, Inc
Mr. William White, Moore & Van Allen, PLLC
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